

SPEECH

OF

HON. L. H. ROUSSEAU,
OF KENTUCKY,

ON

THE FREEDMEN'S BUREAU BILL;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 3, 1866.

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FREEDMEN'S BUREAU.

The House having under consideration the bill (S. No. 60) to enlarge the powers of the Freedmen's Bureau—

Mr. ROUSSEAU said:

Mr. SPEAKER: I propose to discuss the principles of this freedmen's bill. I am opposed to it: not in any partisan spirit nor from any prejudices, but because of the oppressions that such a law must lead to, and the injury that it must inevitably bring to the colored race.

This bill emanates from a party with which I have acted for the last four years. I am not a Republican; I was a Whig and am a Union man, and belong to the Union party, and I am sorry to say that the Union party and the Republican party are not always convertible terms, in my judgment. My reasons for this statement may appear as I proceed. I have acted with the Republican party in its measures to suppress the rebellion. I have given it a hearty support for the last four years. I have sustained it blindly, asking no questions, because I believed the Government of the United States was in the hands of that party, to be saved or lost. I was old at the outset of these difficulties that, representing the loyalty of the nation, that party undertook to suppress the rebellion, to restore the authority of the United States, and reestablish the original *status* of States in all the dignity and rights which they had before the rebellion. It was said not only to southern men, but all over the United States, that they owed a paramount allegiance to the United States Government, and that no man could be released from such allegiance to the Federal Government. I subscribed to that doctrine. It is the doctrine of that man in whose principles I have believed, whose talents and eloquence we all admired. It was the doctrine of Henry Clay, of Kentucky, and not for one moment since our troubles began have I thought of doubting it, much less of abandoning it.

I believed, sir, that the Republican party in the outset of this war would save the Govern-

ment. I had no doubt about it. I had no doubt that any party that represented the United States would save the Government. The rebellion is now suppressed. We have peace. I care not what gentlemen may say; but, sir, there is not in the whole United States of America one single armed rebel to-day. How, then, can gentlemen talk about existing war? The existing state of things in the country affords no excuse for the passage of a bill of this description, outrageous in all its features. It proposes to confer powers such as never were heard of as having been conferred by the Congress of the United States, either upon judicial officers or upon regularly-established courts; and here these powers are proposed to be conferred upon mere irresponsible agents, military subalterns, lieutenants, captains, and majors of the Army, [A VOICE. "And politicians,"] and, as suggested, politicians. May the Lord save us from them! I mean no disrespect to the politicians: upon this floor, [laughter,] but of all military men, relieve me and the Army from the "military" man who wants to fill some petty office, for he only eats up rations that better and more serviceable men should have. [Laughter.]

I say, sir, that this bill is oppressive in all its features; and I wish to say to the House in justice to my own position, that I am for any and all measures, I do not care what they are, that are just and necessary to take care of these unfortunate people. There is not one of them, the poorest and meanest and humblest in the United States, in defense of whose rights, if I saw them assailed, I would not stake my life, and the poorer and humbler the quicker would I do it. I would protect that people in every proper way, but we do not need to protect them at the expense of the rights of other people. I draw no distinction between blacks and whites so far as the rights of person and property are concerned. We have distinctions that we cannot to-day get rid of, and we have others still that we do not want to abolish. But this bill

sweeps all such distinctions pretty much away. I undertake to say that if the enforcement of this bill is placed in the hands of prejudiced men who go South with their minds made up upon this subject, made up in the way that the gentlemen from Pennsylvania [Messrs. STEVENS and KELLEY] would have them, insults and outrages that no community on earth could bear will be of daily and hourly occurrence.

You do not know, Mr. Speaker, gentlemen here do not know, what the loyal element in the South has to bear in matters of this sort. The Union cause in Kentucky has gone down; and why has it gone down? Why, from these abuses and oppressions which loyal men cannot defend and which the community cannot bear. I tell you, sir, that gentlemen in this House ought to look to these things and have at least a little respect and a little kindly feeling for men who have stood true to the Government in its trials. Take care of the negroes, in God's name, and I will help you, but do not place these extraordinary powers in the hands of a body of men who will oppress, insult, and outrage our people. What are those powers? I ask the Clerk to read the seventh and eighth sections of the bill.

The Clerk read, as follows:

SEC. 7. *And be it further enacted*, That whenever in any State or district in which the ordinary course of judicial proceedings has been interrupted by the rebellion, and wherein, in consequence of any State or local law, ordinance, police, or other regulation, custom, or prejudice, any of the civil rights or immunities belonging to white persons, including the right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to have full and equal benefit of all laws and proceedings for the security of person and estate, are refused or denied to negroes, mulattoes, freedmen, refugees, or any other persons, on account of race, color, or any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or wherein they or any of them are subjected to any other or different punishment, pains, or penalties, for the commission of any act or offense, than are prescribed for white persons committing like acts or offenses, it shall be the duty of the President of the United States, through the Commissioner, to extend military protection and jurisdiction over all cases affecting such persons so discriminated against.

SEC. 8. *And be it further enacted*, That any person who, under color of any State or local law, ordinance, police, or other regulation, or custom, shall, in any State or district in which the ordinary course of judicial proceedings has been interrupted by the rebellion, subject or cause to be subjected any negro, mulatto, freedman, refugee, or other person, on account of race or color, or any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or for any other cause, to the deprivation of any civil right secured to white persons, or to any other or different punishment than white persons are subject to for the commission of like acts or offenses, shall be deemed guilty of a misdemeanor, and be punished by a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both; and it shall be the duty of the officers and agents of this bureau to take jurisdiction of and hear and determine all offenses committed against the provisions of this section, and also of all cases affecting negroes, mulattoes, freedmen, refugees, or other persons who are discriminated against in any of the particulars mentioned in the preceding section of this act, under such rules and

regulations as the President of the United States, through the War Department, shall prescribe.

Mr. ROUSSEAU. Now, Mr. Speaker, these are very extraordinary powers for the Congress of the United States to confer. They are powers which the Constitution of the United States forbids in the provisions in regard to the judicial power, to trial by jury and the security to person and property from unreasonable search, and in various other provisions. But granting that Congress could confer these powers upon courts, which certainly it cannot do, I ask the members of the House, in view of their oaths to support the Constitution, if they can possibly confer these powers on the mere agents of the Freedmen's Bureau; lieutenants, if you please, and captains in the Army, or citizens, not of the proper locality, but gatherers of crumbs falling from the tables of politicians all over the country? I need not go into an argument to show how far this bill is unconstitutional. The whole bill, root and branch, is without warrant and against the organic law. At one blow it sweeps away the constitution and laws of Kentucky, courts, juries, justices of the peace, sheriffs, and everybody who denies to the negro the civil rights laid down in this bill; all these are liable to be arrested by the agents of this bureau and fined and imprisoned, not exceeding a fine of \$1,000 and imprisonment for one year. Our ministers of the gospel who refuse to solemnize marriages between whites and blacks, that they are sworn not to solemnize, may be arrested and taken before the agents of this bureau. Our justices of the peace, who will not allow negroes to testify in their courts, may be treated in the same way. A judge of any court while trying a cause may be taken from the bench and imprisoned for one year by the agents, the subalterns of the Freedmen's Bureau, and fined \$1,000.

Now, sir, I ask gentlemen here if they can vote for a bill of this sort? Can we not secure all the rights of the negroes without thus outraging the feelings of the people of the southern States, and also of the people of the northern States, in consequence of the condition of things which this bill would create? I think we are bad off if we cannot. Sir, this class legislation will prove injurious to the race it professes to shield and protect. You raise a spirit of antagonism between the black race and the white race in our country, and the law-abiding will be powerless to control it. And if you get this feeling excited up to a certain point, and the whole of one race shall be thus arrayed against the other, you may send there all the armies you can raise, you may send soldiers into every county and every precinct in the States, but you will never be able to prevent violence and bloodshed there. When men become bent on mischief, as the operation of this bill will be sure to make them, you cannot raise force enough to prevent it. I do not state this

by way of threat. I speak of it as a fact which we owe it to ourselves to consider.

This House does not know what has been the operation of this Freedmen's Bureau. I desire to accuse no man. I believe the head of the bureau in my section is a gentleman and a clever man, and wishes to do right. I may be allowed to name the gentleman to whom I allude; I mean General Fisk. But he is not always present to look after these things, and I do not know what he would do if he were present. Men whose minds are prejudiced on this subject are not to be trusted. We are not to be trusted; nobody is to be fully trusted. All of us require to be watched; and that is what I would have this bureau to do, to look after the interests of these people and to take care of them. But in doing that let us not destroy the liberties of the communities in which this race reside.

Now, I wish to state a fact that came within my own knowledge for the information of this House. In my town, the city of Louisville, the commercial metropolis of the State, we had a man placed at the head of the bureau there who had some queer notions, which men generally get who have a particular duty to perform, a duty involving prejudice, hate, and bitterness. He considered every man in the country who did not believe as he did to be his enemy, the enemy of the Government, and the enemy of the negro. What was the result of his course? He would arrest any man, no matter whom, the most inoffensive and the most loyal, on the *ex parte* statement of a negro. And when the man was brought into his presence, he would turn to the negro making the statement, and say "Brother," or "Sister," as it might happen, "what has this man been doing to you?" And then he would take the testimony of negroes against him, and sitting as a court, he would punish him by fine and imprisonment, or by a fine alone, ordering him to be imprisoned "unless the fine was paid." Now, these are things I have from the most reliable authority.

And I will mention another case. A man by the name of Blevins in my town came home one evening and found his wife engaged in some controversy and collision with a negro woman who had been her servant—not one who had belonged to her as her slave. He took part with his wife, as I think any gentleman ought to have done, whether his wife were right or wrong. The negro woman complained to this agent of the bureau, and a couple of negro soldiers were sent there to arrest him and his wife. And because one of his little girls had said something in the matter an order was also sent for her arrest. The man came to me, supposing that I might be able to assist him. I asked the post commander how it happened such things were allowed. He said, "This Freedmen's Bureau, it is said, is over us all: what can I do?" I replied, "If I commanded this post I would

know who it was who ordered the military to arrest the people without my knowledge, and I would stop it. While I was commandant I would do my duty. If the authorities did not like it, they could send me away." Early the next morning I went to the commandant's headquarters and there I found Mr. Blevins and his wife and children seeking protection against the Freedmen's Bureau, acting on the complaint of the negro woman.

Now, sir, I told the agent of that bureau then just what I thought and felt in reference to this matter. I said to him, "If you want to protect the freedmen of this community I am with you heart and soul: I will stand by you in all just measures; but if you intend to arrest white people on the *ex parte* statements of negroes, and hold them to suit your convenience for trial, and fine and imprison them, then I say that I oppose you; and if you should so arrest and punish me, I would kill you when you set me at liberty; and I think that you would do the same to a man who would treat you in that way, if you are the man I think you are, and the man you ought to be to fill your position here."

I tell you, sir, that no community of the United States can endure a system of this sort. Such have been the operations of this bureau under the old law. What will be its operations under this bill Heaven only knows. I cannot even imagine what a man may not assume the right to do under the provisions of this bill. If those who are to be appointed under this act should adopt the latitude of construction adopted by my venerable friend from Pennsylvania, [Mr. STEVENS,] if they carry out his notions in reference to the force of the Constitution and the effect of the rebellion, they can find a warrant for anything they may wish to do.

Mr. CHANLER. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. CHANLER. My point of order is that my colleague from New York [Mr. CONKLING] and the chairman of the Committee on Appropriations [Mr. STEVENS] are out of order in holding a conversation while the gentleman from Kentucky is addressing the House.

The SPEAKER *pro tempore*. The point of order is well taken. Gentlemen will resume their seats and not converse in an audible tone.

Mr. ROUSSEAU. It was no disturbance to me whatever. Are not such things customary here?

Mr. CONKLING. Before the gentleman from Kentucky resumes his speech, I beg his permission to make a remark.

Mr. ROUSSEAU. Certainly.

Mr. CONKLING. My colleague from some district—the seventh or the eighth, or somewhere there—has made a remark with the apparent purpose of conveying to the gentleman

from Kentucky the impression that his speech was not listened to here, or that something was going on in derogation of that politeness due to the gentleman. I beg, therefore, to assure him that it was his speech which was the subject upon which a single remark was passing between gentlemen here. I submit to the gentleman who made this point of order with so much originality and genius, whether it was worth while to call the attention of the House to what was really a perfectly respectful proceeding to the gentleman from Kentucky.

Mr. ROUSSEAU. I am very much obliged to the gentleman for any portion of his attention. I do not expect to get the gentleman to vote with me on this bill, though I wish he would. I wish that he, a good, loyal man, would stand out with me for the right, as I have stood with him for the last four years. I wish that I could induce him and other gentlemen who will vote with him to look at this matter without prejudice. Remember, sir, that although I am not, properly speaking, a Republican, I am a Union man, good and true, as I believe; and I think that I am entitled to the gentleman's attention and his confidence when I state what I know as to the operations of this bureau.

Sir, as I remarked before, the judicial and other officers of Kentucky, if they refuse to violate their oaths in obedience to the behests of the agents of this bureau, may be arrested and punished by them, this bureau acting as an appellate court on all subjects, while appeals lie from it nowhere.

If you get on the cars with your wife and daughter, and if there be a spare seat, and a drunken negro comes forward to take it, and you ask him if he pleases to move a little further off, and he takes a notion that he will not do it, and should report to the bureau that because he was a negro he was not allowed to take that seat, this Freedmen's Bureau may at once arrest you and your daughter, and fine and imprison both. I say this bill authorizes that thing, and I defy any one of its friends to successfully combat that position. If you go to a theater in a place where this Freedmen's Bureau is established, and not because they are negroes, but because they are unfit and ignorant persons, they are told they have no right to go and take seats with your family, and you prevent it, the bureau may arrest and imprison you. If a judge decides that a negro cannot be sworn in a cause being tried in his court, under the laws of a State which he has sworn to administer, why, sir, before that decision is cold upon his lips they may arrest and take him off to the agent of the bureau and punish him as before stated.

Mr. Speaker, I ask members here, and especially the Union men of this House, to answer and tell me whether they would submit to such outrages? If they would not submit to them, will they then ask the Union men of the South, who have stood by the Government, to submit

to them? If they do, all I have to say is that we cannot and will not submit to them.

But, sir, there is no necessity for these outrages. Laws should be provided ample in their character to protect that race if they are not now sufficient, and I think they are not. And, as I have already said, if these things do occur they will destroy all feeling of good will between the whites and the blacks in that country. I repeat, when ill feeling has thus been created all the armies you may raise cannot protect them.

Where now is the Freedmen's Bureau? Why did not its agents prevent the hangings and imprisonments of which the gentleman from Pennsylvania [Mr. KELLEY] has spoken? The Freedmen's Bureau is in Alabama, and the military are still there. No, sir, it cannot be done. So far as I understand the operations of the bureau, it lies around the towns in the State of Kentucky to harass and oppress, and by oppressions to put upon the loyal men of that State issues that they cannot carry; issues which they cannot defend. Let us first do right ourselves, and then we can demand that all others shall do it.

Mr. ELIOT. I only desire to inquire of the gentleman from Kentucky whether he has it in his power to state the name of any agent within the State of Kentucky who has had charge of matters under the bureau and who has exposed himself to this censure?

Mr. ROUSSEAU. Yes, sir. I never say anything that I am not willing to stand by. I will not come here and make such allusions to persons and refuse their names when called for by their friends. I refer to Colonel McCaleb, as one of the men connected with the Freedmen's Bureau in Kentucky, and he is the man whom I told that if he undertook to arrest me and my family as others had been arrested and punished I would kill him. And Captain Kennedy was another I referred to.

Mr. ELIOT. I ask the gentleman whether Mr. Kennedy was not appointed in Kentucky before the bureau took charge of affairs there?

Mr. ROUSSEAU. I do not know. Colonel McCaleb, who preceded him, received orders from General Fiske.

Mr. ELIOT. Is it not true that Mr. Kennedy was appointed by a gentleman who occupied the position of post commander?

Mr. ROUSSEAU. Yes, sir.

Mr. ELIOT. And is it not true that Mr. Kennedy was removed from his office within a few days after the bureau took charge under the present officer?

Mr. ROUSSEAU. I do not know how many days afterward; but I do know that he committed more outrages there than the people will be able to forget in thirty years.

Mr. ELIOT. Is it not also true, on the removal of Mr. Kennedy, the gentleman himself was called upon by the assistant commissioner there to recommend a successor; and whether

he did not recommend the gentleman who has ever since occupied that position?

Mr. ROUSSEAU. I was called on before his removal, and I did recommend Colonel W. P. Thomasson, who is a gentleman in every way unexceptionable, and who now fills that position.

Mr. ELIOT. Mr. Kennedy being out of the way, can the gentleman name any other gentleman connected with the Freedmen's Bureau against whom he complains?

Mr. ROUSSEAU. I have had no further acquaintance with them, and I am sorry that I have had any. [Laughter.]

Mr. ELIOT. That is all.

Mr. ROUSSEAU. Mr. Speaker, I wish now to call the attention of the House to a letter sent up here from Charleston. It emanates from one Reuben Tomlinson, one of those gentlemen, I suppose, who go down South for their own purposes, and are constantly writing back what they are doing, and taking great credit to themselves.

"CHARLESTON, S. C., October, 13, 1865.

"DEAR SIR: I am now endeavoring to start the schools in this city. There are in Charleston four public-school buildings: the Normal, St. Philip's street, Morris street, and Meeting street buildings. The Meeting street school is a small and very insignificant affair; the others are very fine houses. The old trustees have applied to be put in possession of them. This General Saxton has refused unless they will agree to give a fair share of them to the colored children. They refuse to do this. The Normal, Morris street, and Meeting street schools I have opened and they are already well filled with colored children. The white children, of course, do not attend."

There are four school-houses in Charleston, and this gentleman takes credit to himself for having taken possession of the whole of them and used them for the benefit of the colored people to the exclusion of the whites.

Mr. Speaker, when I was a boy, and in common with all other Kentucky boys was brought in company with negroes, we used to talk, as to any project, about having "a white man's chance." It seems to me that now a man may be very happy if he can get "a negro's chance." Here are four school-houses taken possession of, and unless they mix up white children with black, the white children can have no chance in these schools for instruction. And so it is wherever this Freedmen's Bureau operates.

Sir, what will be the result of all this? It will result in that state of feeling I have spoken of which Union men in my section of the country want to keep down.

Mr. Speaker, I am told that the Constitution and laws of the land are nothing just now because we are in a state of war. I do not care what may be said about the theory that a state of war may exist without any declaration of it or existing hostilities, but I say there is no such state of war among the people who are brethren and fellow-citizens of a common country as to justify these illegal interferences.

But, sir, four years ago we began resistance to the efforts of the rebels to put down this Government. We were told that this war was for the Union. But we are told now that the rebel States are out of the Union, and that all these laws may of right and must of necessity be passed, and that we must sweep away the constitution and laws of these States as this bill does. As I have already suggested, you may arrest the judges of Kentucky, not by warrant of law, but by order of a subaltern of this bureau, and deprive them of liberty. You may take away the liberty of any man, woman, or child without warrant of law, without affidavit, but upon the *ex parte* statement of any vagabond negro who strolls through the country.

And we are told that these States are not in the Union. Why, sir, how is this? Was there a soldier in the whole Army of the United States who fought in this war for the preservation of the Union who did not do so to save the Government of his country? And yet, when the war is at an end and the rebellion dead, we are told by the gentleman from Pennsylvania [Mr. STEVENS] and the gentleman from Ohio [Mr. SHELLABARGER] that it does not matter in the least how the war might end, whether the rebellion was suppressed or not, the Union is at any rate dissolved; that our nationality is dead, but the consolation is afforded us that the Republican party still lives, and to keep it alive and in power the organic law must be amended.

Now, sir, as I before said, I have acted with that party and would act with it still. I want to stay with the loyal men of this country. But, sir, I find there are northern as well as southern secessionists, and they not only seek the same result but adopt pretty much the same reasoning on that subject. I am not willing to act with either, and I care not whether either or both are honest in the belief that secession could be or is accomplished. I do not value, in the least, honesty in treason.

They told me at the beginning of this war that Jefferson Davis and his co-traitors were honest in their belief that they could secede. I knew they could not. I knew there were but two ways in which they could secede; one was according to the law of the land, and the other was by force. You all say they could not do it by the law of the land; and I ask you if we did not put down the force by which they attempted to carry out their purpose? Sir, we southern men have fought our share in this war. We have gone through more trials than you know of. We have aided in bringing the war to a triumphant close, we have aided in gaining the victory upon which the life of the Government depended, and now, when we come here, those who profess extreme loyalty get up and coolly tell us to "Stand off; you are enemies of the country."

A few days ago my friend from Ohio on my right [Mr. DELANO] made a report, and he was

complimented with much honeyed commendation, to use an old expression, by the gentleman from New York [Mr. CONKLING] for making that report, that the people down in the insurrectionary States were enemies to the Government, and that he could make no distinction between loyal and disloyal men in the southern States. I ask those gentlemen to-day, and I wish they were able to answer me, when the loyal men in the southern States became enemies to their country? Did they do so by the secession of these States, which all these gentlemen said was a nullity? Why, sir, upon the principle these gentlemen contend for, the southern man who, while defending the flag of his country in the face of the enemy, if he had left his wife and children behind him, they were enemies of the Government because they were left in the seceded States. I do not believe a word of all this. It cannot be true. We have cut ourselves loose; we have broken every tie that bound us to our people; brother has been against brother and father against son; and yet when we come to the legislative halls of the nation and ask for that protection which we think we are entitled to, we are told that we are enemies to the Government, and must wait the convenience of gentlemen for even a consideration of our claims.

Mr. CONKLING. Will the gentleman allow me a moment?

Mr. ROUSSEAU. I would rather go on.

Mr. CONKLING. As the gentleman has referred to me, I desire to set him right on a statement of fact.

Mr. ROUSSEAU. Excuse me, if you please. I would rather go on. I do not like to have my train of thought broken in upon.

Mr. CONKLING. The gentleman does not state correctly the position I took.

Mr. ROUSSEAU. Then I yield, of course.

Mr. CONKLING. I trust I shall not interfere with the gentleman's line of argument by saying that he quite misapprehends, and therefore quite misstates, the position which I took. The remark which he refers to was a question I propounded to the gentleman from Ohio, [Mr. DELANO.]

Mr. ROUSSEAU. Perhaps I did. I will read it, and the House can see whether I did or not:

"Mr. CONKLING. I desire to ask the gentleman from Ohio a question. I wish to say that I listened with very great pleasure to the reading of the report made by the gentleman some days ago, and, having once examined this question, I agree with him, as I understand his report, and I feel for one under great obligation to him. I desire to ask him what is the difference, not as a matter of clemency and discretion, but as a matter of law, between a claim presented by a disloyal person and one presented by a loyal man, if both men were citizens of the country occupied and held by the enemy? I ask the question in the light of the decision of the court in the prize cases."

Mr. DELANO. I do not wish to interrupt the gentleman from Kentucky, but some time in the course of his remarks I desire him to

allow me to explain what I meant by the language that I used in reply to the gentleman from New York, if he will give me the opportunity.

Mr. ROUSSEAU. I will do so; and meantime I will read the remarks of the gentleman in reply to the question of the gentleman from New York, [Mr. CONKLING.] He said:

"There may be cases upon this point. But if there are I frankly say to the House that my industry has not brought them under my observation. And if he or any other gentleman knows of any such case I would be obliged to him to inform me. All the time I have been speaking in reference to this distinction between the claims of loyal and disloyal persons I have been speaking in reference to equity and not in reference to law, and I desire the House so to understand me. I have been considering the question in the light of benevolence and equity, rather than in the light of law and strict justice. I think the suggestion of the gentleman from New York [Mr. CONKLING] exceedingly pertinent, because it presents to those who see fit to take that view of the subject another reason for rejecting these claims.

"I will add further upon this point that it once occurred to me, while I had this report under consideration and preparation, that those who were brought into the rebellion by the sovereign power of their States—for I acknowledge the sovereignty of States to a limited extent—those who were carried into the rebellion by the sovereign action of their States, so far as they could act, thus being in a certain sense enemies, to whom for some purpose belligerent rights were accorded, must necessarily, upon principles of law, stand upon the same platform with those who caused the rebellion."

Now, Mr. Speaker, I am not going into a discussion of this question, whether the States lately in rebellion are out of the Union or not. Enough has been said about that on my side of the question and on the other side. I wish to state here one single position, and it is one that we have stood upon through the war, and one I expect to stand upon as long as I live, and which nobody shall drive me from, and that is, that every citizen of the United States owes paramount allegiance to the Federal Government, an allegiance that neither the States in one or another capacity, nor the people in any capacity, can release him from, and that this allegiance, when given heartily to the Government, entitles the citizen to all the protection that the Government can give him, and that no matter where or in what State he may be he is entitled to all the rights that belong to any and all other citizens.

That, sir, was the sensible ground that we occupied in the South. But after the war is over, a war waged for the salvation of the Government alone, we are told that these States are out of the Union. I say this war was waged for the salvation of the Government alone. In support of that assertion I will ask the Clerk to read the resolution adopted by this House the day after the battle of Bull Run. It is hardly necessary to refer to it; but I will ask the Clerk to read it.

The Clerk read, as follows:

"Resolved by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States, now in arms against

the constitutional Government, and in arms around the capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

Mr. ROUSSEAU. The day after the battle of Bull Run that resolution, as I understand, was adopted by this House. The nation then trembled for its safety, and no one could tell how this war would end. The people of the United States then wanted every loyal man to come up to the work, and show that he regarded his allegiance to the General Government as paramount to everything else. The country needed help then. And we in the South went forth on that platform, and we fought through this war upon it.

I shall not forget what occurred the day we heard of the result of the battle of Bull Run. I was then in camp "Joe Holt," with perhaps fifteen hundred enlisted soldiers, without a tent, without food, without money, and without credit. I remember the night on which the news of the battle of Bull Run was received in Louisville. The enemies of the Government held a meeting in that city, and a speech was made by a Mr. Symral, who afterward joined the rebellion. He congratulated the audience on the result of that battle, and said that "Our enemies have been beaten and driven from the field." Some one who happened to think of it, said, "What will now become of Rousseau's brigade?" And they almost stamped the house down in derision of what would become of the handful of men I had under my command.

But when this resolution of the House, introduced by Mr. Crittenden, so loved and honored by every Kentuckian, came out, it strengthened the southern men in the cause of their country. They told the people that this was not a war for subjugation, for degradation of the southern people, but a war for the preservation of the Government, and to restore the Federal authority all over the land.

Let me ask the gentleman if, at any time before the battle of Bull Run, or soon after it, when you were in want of men for your Army, they had been told that the Union was to be dissolved at any rate, whether we suppressed the rebellion or not, how many men South would have taken up arms to fight in such a cause? Not one, sir; not one. I would have laid down my life before I would have done it. I would not have turned against my own people in a mere sectional war, for I love my own section best. I would not join the North as a mere section in a war against my people. The war recently closed never was a war between the North and the South; it was the United States

against its domestic enemies. Yet, sir, men who have stood true to the Government throughout all this contest, and have been duly and legally elected to seats here, are refused admission to this House as members. Not only that, sir, but I noticed the other day a degree of hesitancy on the part of gentlemen here to extend to these honorable and loyal men, coming here as Representatives, the mere right to sit on this floor till their cases shall be decided. And two days ago there was an absolute flat refusal to admit the Arkansas delegation to the privileges of this floor till their cases were determined.

Mr. Speaker, I wonder whether gentlemen, in casting that vote, knew that they were repulsing and closing their doors upon men in that Arkansas delegation who have fought in defense of the Government for three years. When members voted against the admission of Maynard and Leftwich and Campbell and Hawkins and Cooper and Stokes, I wonder whether they knew the important services which those men have rendered to the Government. Maynard you have had with you in times of your trepidation. When you wanted help you would take these men from the South, if they came here but half elected. They now come here wholly elected, and, as I contend, fairly elected, and you reject them. Campbell, of Tennessee, was a colonel in the United States Army, and during the Mexican war led his regiment in the capture of the "Bishop's Palace" at Monterey. He has stood true to the Government up to this hour. How is it as to Cooper? Sir, a little over one year ago the terrible conflict between Thomas and Hood took place at Nashville. I, with my force, at Murfreesboro, was cut off from communication with my commander-in-chief; and on the 14th day of December, 1864, exactly one year prior to the day on which the vote was taken refusing him a seat in this House, Cooper slept in my tent to escape hanging by Hood's army, having been driven from his home by its approach. Leftwich has gone through a similar ordeal. Stokes was for weeks hiding out in the woods to keep from being hanged; and afterward he raised a regiment and fought bravely for his country. But now, when the war is over and the rebellion suppressed, these men come, and you tell them that they cannot be admitted upon this floor as Representatives of their State.

"Enemies!" Why sir, I ask my friend from Ohio [Mr. DELANO] when our enmity to the Government began.

Mr. DELANO. Will the gentleman allow me to ask him a question?

Mr. ROUSSEAU. In a moment.

Sir, my State seceded after a fashion. We had for a time a provisional governor. General Bragg, with his army, inaugurated a rebel governor in the capital of the State, and took the State out of the Union in a certain way.

But, sir, will the gentleman tell me that this made me an enemy of the Government? Will he tell me that the man from Tennessee or Mississippi or Alabama who fought on the side of the Government throughout the war was an enemy because some of the disloyal citizens of his State claimed that they had carried the State out of the Union? Why, sir, when did our enmity begin? Did it begin at Shiloh, or Perryville, at Stone River, Chattanooga, or Donelson? Not a battle has been fought in the West, and not one in the East, without some southern blood enriching the soil, blood freely poured out for preserving the integrity of the Union.

I deny the whole doctrine. I utterly repudiate it. I look with utter scorn upon the doctrine that any mortal man can make me an enemy to my country in fact or in law. The doctrine is false in law, false in logic, and utterly false in fact.

The truth, sir, is that the war is over, and we have peace in the country. We have a different state of things. I am not disappointed except when I come into this Hall and hear the venerable gentleman from Pennsylvania [Mr. STEVENS] tell us that the organic law of the Union must be amended to keep the Republican party in power.

The SPEAKER. The gentleman's time has expired.

Mr. SHANKLIN obtained the floor.

Mr. ROUSSEAU. I have a little more to say.

Mr. SHANKLIN. I yield to my colleague to finish his remarks.

Mr. ELDRIDGE. I hope it will be understood it will not come out of the time of the gentleman from Kentucky. [Mr. SHANKLIN.] I hope the courtesy will be extended to the gentleman who has been speaking to finish his remarks.

The SPEAKER. The Chair will entertain any motion for an extension of time.

Mr. CONKLING. I will make that motion, with the understanding that gentlemen who have been alluded to and put in a position they do not occupy shall also have an opportunity to deny or modify what has been said in regard to them.

Mr. BANKS. I hope the gentleman from Kentucky will be allowed to finish his speech without any condition. It has been accorded to us on this side, and ought to be accorded to him.

Mr. SMITH. That is right.

The SPEAKER stated, there being no objection, it would be ordered accordingly.

Mr. ROUSSEAU. I am much obliged for the courtesy, and I yield to the gentleman from Ohio [Mr. DELANO] for a word of explanation.

Mr. DELANO. Mr. Speaker, I have listened with pleasure to the remarks of the gentleman from Kentucky, [Mr. ROUSSEAU.] I have also heard with approbation portions of his speech.

He has proceeded under a palpable and manifest misunderstanding of my opinion in reference to the condition of the States lately in rebellion. He regards me as concurring in the opinion that these States are out of the Union, or, to use the compact and forcible language of the gentleman from Pennsylvania, "dead;" and seems to infer that I agree in the natural and inevitable consequences of that position. Some of these consequences I will allude to. If these States are dead, they are without law, except through military authority; and it is the duty of Congress at once to provide territorial governments for them or to recognize such governments as their people have set up and established. Without doing one or the other of these things, and granting that the States are dead and civil government entirely destroyed, these communities are in chaos, subject only to the law of power. Nothing can do me greater injustice than thus to interpret my remarks.

If hereafter I shall be fortunate enough to obtain the floor, I propose to place my views fully before the House and the country on this subject. At present, I will but say that I repudiate entirely, as groundless and unsustainable, the position that the States are "dead." They live, as integral parts of this Union. They are States for the purposes of local and State government; and to a certain extent are in actual harmonious relation with the other States forming the Federal Union. I hope soon to see each one fit for restoration and actually restored to all its privileges and relations under the Constitution of the United States. The time allowed for this explanation is too brief to go further into this subject at present.

While discussing the question of claims of citizens of the States lately in rebellion growing out of the destruction or appropriation of property by our Army and Navy during the war, I took occasion to place the refusal to pay a certain class of such claims on the ground that it was impossible to distinguish correctly between loyal and disloyal claimants. While enlarging upon this point, I was interrupted by the gentleman from New York [Mr. CONKLING] with this inquiry, whether in a legal view merely there was any difference between loyal and disloyal persons as to the legal liability of the Government, the gentleman from New York observing that he asked the question in view of the Supreme Court decision in what are termed the "prize cases." To this inquiry I replied substantially, that as matter of law, merely, I knew of no distinction; that the decision alluded to treated all the inhabitants of the rebel States in a certain sense as enemies, and hence I inferred that we might legally refuse to pay for all property taken or destroyed in suppressing the rebellion when owned by citizens of States in rebellion. In my report, however, I chose to put the refusal of Congress to pay for such property upon the

ground of difficulty in distinguishing between the loyal and disloyal claimants rather than upon this rigid legal rule. The gentleman from Kentucky has proceeded upon the supposition that the term "enemy" in the prize cases was used by me as signifying an enemy to the Government, a public or foreign enemy. Nothing is more foreign to my meaning than such an interpretation. This will lead me to say that, so far as I have heard, the "prize cases" referred to, during the debates upon reconstruction, it seems to me that the law of those cases has been misapprehended and misapplied. I will, therefore, undertake briefly to explain the decision of the court in those cases as I understand it.

In the first place the court decides—

"That it is not necessary to constitute war that both parties should be acknowledged as independent nations or sovereign States. A war may exist where one of the belligerents claims sovereign rights as against the other."

This principle leads the court to say, in another place—

"That it is a proposition never doubted that the belligerent party who claims to be sovereign may exercise both belligerent and sovereign rights."—*Prize Cases*, 673.

Hence, it follows that belligerent rights are granted by the party claiming to be sovereign to the party in insurrection. *pendente bellum*, in order to mitigate the cruelties and misery produced by the scourge of war. Wherefore, the court say in these cases—

"This being the case, it is very evident that the common laws of war—those maxims of humanity, moderation, and honor—ought to be observed by both parties in every civil war."—*Pages* 666, 667.

It is perfectly clear, therefore, that the granting of belligerent rights, the exchange of prisoners, the exchange of flags of truce, and all other acts of humanity in mitigation of the cruelties of war, which were exercised and approved by the United States, did not convert the insurgent States into a foreign nation nor constitute them foreign States which we are authorized to say have been subjugated.

Now in regard to the word "enemy" as used in these cases the court says:

"All persons residing within this territory whose property may be used to increase the revenue of the hostile power, are in this contest to be treated as enemies, though not foreigners."—*Page* 674.

And again:

"But in defining the meaning of enemy's property we will be led into error if we refer to Fleta or Lord Coke for their definition of the word enemy. It is a technical phrase, peculiar to prize courts, and depends upon principles of public policy as distinguished from the common law."

It is perfectly apparent from a careful examination of this case that the court applied the word enemy to the people of the States in rebellion in the limited and technical sense "peculiar to prize courts." That is, the property of all of the citizens of these States was subject to capture and condemnation during the war, because such property might increase the revenue

of the hostile power, and because the United States Government had a right and was bound to put down this power; and by analogy the Army might, I suppose, destroy the property of all persons residing within the hostile jurisdiction; and to authorize such capture and such destruction these persons are to be treated as enemies, and for no other purpose whatever. Hence, as the court say, though enemies they are not foreigners, and that the term is technical and peculiar to prize courts, and must be distinguished from its common-law definition. Therefore the theory fabricated upon this decision, that the people of the southern States were converted into foreign enemies by the grant of belligerent rights during the war, or by subjecting their property to capture on the high seas and to condemnation, is shown to be baseless and without law or reason to support it, so far, at least, as the prize cases are concerned.

I trust the gentleman from Kentucky now understands in what sense I applied "enemy" to the inhabitants of the insurrectionary States. God forbid that I should call those noble, loyal men of the South, enemies. They have done more, suffered more, endured more than we of the North for the salvation of our common country. They are not enemies, therefore, in the common-law sense of the word, however they may have been treated during the war under the decisions of judges of the prize courts. On the contrary, they are friends; friends of liberty; friends of the Union; friends of the loyal people everywhere throughout the Union. And I shall always be proud of the privilege of taking these noble men by the hand and calling them my friends, as they have been the friends of my country.

It will be remembered, Mr. Speaker, that I offered, a few days since, a resolution granting to the members-elect from Arkansas the same courtesy that has been extended the members-elect from Tennessee. These gentlemen from Arkansas are loyal and have always been loyal. They can take and are now ready to take the oath required by this House; their State is reorganized and civil law is reestablished; peace and security exist there. One of these gentlemen I have known for twenty years, and can vouch for his loyalty and his honor, yet they were denied the privilege of coming into this Hall as citizens; not as members, but as private gentlemen.

Can we restore the Union by such a course as this? In regard to Tennessee I am ready to vote for the admission of her Representatives at once; vote that they shall sit here as Representatives, as members of this House; and I believe, sir, it is due to this House and the country that the members-elect from Tennessee and Arkansas should be admitted speedily.

Mr. STEVENS. May I make a suggestion? We are about to adjourn. There are two or three gentlemen who desire to speak, and there

is but little time. I suggest, therefore, that we take a recess until half past seven o'clock and meet again for the same purpose.

Mr. ROUSSEAU. I desire to speak about five or ten minutes.

Mr. STEVENS. I mean after that.

Mr. SMITH. I object.

Mr. STEVENS. It is the gentleman's colleagues that desire to speak.

Mr. SMITH. I want my colleague to get through.

Mr. STEVENS. After he gets through, I mean.

Mr. SMITH. Let him get through.

Mr. STEVENS. You have a right to object if you choose.

Mr. CONKLING. By the courtesy of the gentleman from Kentucky I want to add a single word to the statement of the gentleman from Ohio, [Mr. DELANO.] and perhaps I can do it best by saying, in the beginning, that I disclaim and deny having expressed any such opinion as has been attributed to me by the gentleman from Kentucky. [Mr. ROUSSEAU.] I have, upon the particular point which was then under consideration, an opinion which I have held for some time, and as I have no concealments, I should be very ready to state it now if I were not occupying the floor by the courtesy of the gentleman from Kentucky. Passing that, I have only to say that, on the occasion to which he refers, expressing no opinion myself, intimating no opinion myself. I simply requested the chairman of the Committee of Claims to state to the House and to me what the law was, in his judgment, upon the point suggested. And I think that it is quite unwarranted for any gentleman to assume that I held the same opinion expressed by the chairman of the Committee of Claims, or an opinion different from him.

One word further, and only one. The question upon that occasion was totally foreign to the question the gentleman is discussing here; and I want to say that I have never expressed the opinion that any loyal man, wherever he might live, was the enemy of his country in any sense implied by the remarks of the gentleman from Kentucky. Far from it. Nor have I ever expressed an opinion upon the metaphysical question which gentlemen have been discussing, of the abstract *status* of these States. In my judgment, that question is destined to degenerate into a subordinate question for present purposes here. It may be a great question in rhetoric, it may be a great question in history, it may be a great question before the courts, and perhaps a great question of state-craft, although I do not believe it. For the purpose before the House, I consider the whole argument as to the particular *status*, in theory, of these States, from time to time, an abstraction, and destined, as I say, to degenerate into a subordinate question. I have expressed no opinion upon it, and I wish the gentleman from

Kentucky [Mr. ROUSSEAU] to withdraw his intimation with regard to me.

Mr. ROUSSEAU. I have heard with great pleasure the explanations of the gentlemen as to the interpretation I placed upon their language, but I must still insist, with all kindness to them, that the record of that matter going to my people is to this effect and no other, that they are cut off from being heard here in reference to their claims, as I understand it. The gentleman from New York [Mr. CONKLING] put in a reason in that report, and suggested to my friend from Ohio [Mr. DELANO] that there was no distinction as to the claims referred to between a loyal man and a disloyal one, if they lived in a seceded State. That, however, is explained, and I am happy to hear both the gentlemen say that they will regard us as loyal, and that they do not want to make any distinction between us because we happened to be one side of the Ohio river and others happened to be on the other. I am glad to have the explanation, and I thank the gentlemen for the kind feelings they have expressed toward the loyal element of the southern States.

Now, Mr. Speaker, a few more words and I have done. I was going on to say awhile ago that we had at the beginning of the war a well-defined platform upon which we stood; we had a distinctive object in view; we at the South had an object in view that we never, never lost sight of; and all the abuse and denunciation heaped upon us, the charges of being "abolitionists" and "Lincoln hirelings" and "Hessians," were not sufficient to move us. We stood true to the Government upon the platform which I have read here to-day. But now, when we have got through with the war, we come here and find gentlemen in this Hall, Union men, insisting that the Union shall be considered as broken up and that the southern States are either out of the Union or dead. And for what? Why, sir, that the Republican party may live! The gentleman from Pennsylvania [Mr. STEVENS] distinctly said a few days ago that we must amend the Constitution and either take away representation from the southern States or allow the colored population to vote, and then no alliance between men of the South and all the copperheads on the face of the earth could touch the Republican party! Sir, was it for this that we fought this war? Was it for this that we have endured all we of the South have gone through in struggling for the Union? They tell us now that the Union is lost, but they console us by telling us that the Republican party still lives! Was that what we fought for? Was it for that that we divided father against son, and brother against brother on the battle-field? I again ask, how many of the southern people would have fought and how many of the northern people would have fought on such an issue? Nobody, nobody, except perhaps the party itself, and I expect only their

leaders would have done it. [A voice—"They never fight."] I have nothing to say about them. I have nothing to say against the Republican party. But I insist upon it that we ought not to have had one platform at the beginning of the war and another one at the end; that we ought not to have had one platform in the weakness of the nation and another one in its strength; that we ought not to have had one platform when the life of the nation was threatened and menaced, and another when its enemies are overthrown and the rebellion has gone down to its inglorious grave forever.

The right of secession was denied by all the Union men in the United States. All the loyal men in the United States denied that such a thing was legal; and now, when we have put down the force which was to accomplish the secession and maintain the acts that we said were nullities, still it is said that notwithstanding all this secession took place. I repeat to-day the question of the gentleman from New York, [Mr. RAYMOND,] and ask at what hour, on what day, by what act, or in what way these States ever seceded.

Sir, my venerable friend from Pennsylvania [Mr. STEVENS] and his doctrine upon this subject remind me of a doctor I once heard of, and I mean no offense to the gentleman when I say he was a quack doctor, and I mean no disrespect to the doctor. [Laughter.] He was visiting a patient one day who had the pleurisy, and when he was leaving, the patient asked him, as patients usually do, what he might eat. "Well," said he, "you may take a little rice, and tea and toast." After the doctor left the patient became very hungry, and it seemed to him he would die if he did not have some roast shoat. Finally he told his wife he must have roast shoat and she got him some, and accidentally he got better and was convalescent when the doctor came again. The doctor was surprised, and asked him how he came to be so well, and he told the doctor, "I thought I should die if I did not have some roast shoat, and my wife got me some, and I ate it and am better." The doctor took out his little memorandum book and wrote down, "roast shoat good for the pleurisy," and went his way. A few days after another of the doctor's patients had the pleurisy, and when the doctor had prescribed for him, he was asked, "What may I eat?" "Well," said he, "anything you like, but if you have a fancy for it, roast shoat is a very good thing." He went away, and a day or two after the man unfortunately died. The doctor came back and inquired how the patient was, and being informed of his death, said "Why, I thought he was getting better." "No," said the man's wife, "he would have roast shoat, and I gave it to him and it killed him." The doctor opened his book and where he had written "roast shoat good for the pleurisy," he added the word "sometimes." [Laughter.] And so it is here.

It was declared in the beginning of the war that secession was impossible, but they now add, like the quack doctor, the word "sometimes."

Unfortunately the position that Jefferson Davis and his followers occupied, is now occupied by professed Union men on this floor. These gentlemen insist that the insurrectionary States are out of the Union, as Jefferson Davis has insisted for the last five years. Precisely when and how they got out of the Union these gentlemen do not say, but Davis does. He says they seceded by the action of the people in convention assembled; but long after that action, and even now, it was and is held to be a nullity by every gentleman on this floor, and every State in the Union now asserts the same thing, except, perhaps, one or two.

Taxes have been levied upon them as States in the Union by the Congress, these very gentlemen approving that action. In the apportionment bill their right to representation has been acknowledged, and in various other ways they have been recognized as being in the Union throughout the war; and I wish to know, sir, if these States are in the Union for the purposes of taxation and the bearing of burdens, but not for representation. Such seems to be the position occupied by the gentlemen, and to which the Union party are utterly opposed. The doctrine of the Union party, as I understand it, has been, and is, and will continue to be, that every loyal man, legally elected to the Congress by the people of an insurrectionary State has the right to take his seat and represent his people.

The rebellion being suppressed in the rebel States, the people of those States "return to the place and rights they had before." This is held and laid down by Puffendorf, who uses the following language in volume two, page 237:

"A whole nation when it hath, either by its own strength or by the assistance of friends and allies, shaken off an enemy's yoke, without doubt recovereth its liberty and ancient state; and if any part of what they were before possessed of remains still in the enemy's hands, they have just pretensions to attempt to recover it as long as a war is kept on foot and a peace is not concluded. But if a third Commonwealth rescue a nation by war that was overpowered and enslaved by enemies, in its own name and for its own advantage, the nation only changeth its master, but is as far from liberty as ever. And we may say the same of a part of any nation. *But if a part of the people be recovered by the people they were some time divided or torn from, or by their allies, they again incorporate with the old body and return to the place and rights they had before.*"

This is the patriotic and common-sense view of the matter, and during the war I never heard any other expressed.

The rebellion but caused a suspension, an interruption of the authority of the General Government in the rebellious States, not by actual secession, but by a refusal on the part of the State authorities to recognize their relations with the Government, and levying war against it.

By this action the people of those States, in the language of Puffendorf, were, "for some

time," separated from the Government and people of the loyal States. But the separation was not a legal one, for it was against the paramount law of the land. Between loyal and disloyal men, two issues were thus presented. The rebels claimed the legal right to secede, to withdraw from the Union. Loyal men said "No! not at all; there is no such right;" and in the whole United States there was not one loyal man who did not deny the legal right to secede.

"This was one issue. They said the rebels, 'We will maintain our asserted secession by force of arms.'"

"All right," said the loyal men. "we will try that issue;" and we went to war.

This was the other issue. As I before said, in one of these ways secession had to be accomplished, or not at all.

Whether the acts of secession of the insurrectionary States were legal or illegal, was a question of very little importance if the rebels could command the force to maintain them. It took over four years to decide this question, during which time we waged a bloody and desolating civil war, unknown before in the history of the world. That war is over, the rebellion is suppressed, and the Government of our fathers, thank God, is ours still, if we will have it. The acts of secession being void, and the rebellion suppressed, the suspension and interruption of the relations between those States and the General Government having ceased, what more was needed to give us the old condition of things? Why, that the government machinery of those States, under the General Government and within the Union, should be put in operation as of yore, and that the people there should obey the laws of the land, and send loyal men to the Congress of the United States to represent them. All this they have done, and it was for this only we have waged a four years' war. All that the loyal men of the nation have ever demanded has been obedience to the law; with the motives for such obedience we have nothing to do. It may be from love of the Government, or it may be from fear, or it may be prompted by a mercenary patriotism which robs the people while it pretends intense devotion to the Government. And with the latter sort of patriots, the country is filled, and the farther you get from the seat of war and its dangers, from its desolation, suffering, and death, the more numerous they are.

They would barter blood at a cheap rate, so it is not their own, and fill their pockets, unheeding the groans and tears and destitution of the unfortunate victims of the war.

At the beginning of the rebellion and during the war we demanded that the rebels should

lay down their arms and submit to a common Government, and we demanded nothing more. They contemptuously and persistently refused to do that, but by force of arms we have compelled them to do so.

And now, sir, after this war, in which there was unexampled ill-feeling, bitterness, and hate, we find in little more than half a year undisturbed peace and an approach to harmony and returning amity that one year ago the most sanguine patriot did not hope for. The constitutions and laws of those States which the rebel officials, after committing treason, ran away and left behind them, have been taken up and put in use again by loyal men.

As this was all we asked during the war, shall we not accept this now that the war is over? Such was the wish and policy of that martyred patriot, Abraham Lincoln; time and again he called upon the people of the disloyal States to do that very thing. That was all he asked, and he spoke the voice of the nation. Why shall we demand more now?

If Mr. Lincoln were living to-day he would say that the return and submission of those people to their allegiance entitle them to representation in the councils of the nation, and to all the rights and dignity of States within the Union. The nation demands this, and that was the opinion and practice of the party in power during the war, as instanced in the cases of Andrew Johnson, Senator, and Horace Maynard, Representative, of Tennessee, as well as of others; and the Union party will not follow these gentlemen into the advocacy of the pestilent political heresy of secession, or the equally obnoxious one of expulsion of States from the Union. The Union party are opposed to the whole thing, and we will appeal to the constituents of these gentlemen, we will appeal to the loyal people of the nation, to occupy, and to force their Representatives to occupy, the patriotic ground upon which this war was begun, prosecuted, and triumphantly terminated; the ground occupied by Lincoln and Johnson while Mr. Lincoln lived, and the same held to-day by Andrew Johnson, "the Union, the Constitution, and the enforcement of the laws."

I know, Mr. Speaker, how this appeal will be responded to. Seven tenths of the people of the United States would come to-day to the support of the President in this policy, and all the politicians on earth cannot prevent it.

They want and will have a united, a harmonious, and a prosperous nation, and they will not permit one half the nation to rule and trample upon the other half on any pretext whatever. While the Union party holds to this position it will be triumphant, when it abandons it it will fail and ought to fail.

